

ASSEMBLY BILL

No. 838

**Introduced by Assembly Member Brough
(Coauthor: Assembly Member Harper)**

February 26, 2015

An act to amend Section 1505 of, and to add Section 1534.3 to, the Health and Safety Code, relating to recovery houses.

LEGISLATIVE COUNSEL'S DIGEST

AB 838, as introduced, Brough. Recovery houses.

Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, as defined, by the State Department of Social Services. A violation of the act is a misdemeanor. Existing law exempts recovery houses providing group living arrangements for persons recovering from alcoholism or drug addiction from the act.

This bill would require a recovery house that is owned or operated, as defined, by a community care facility licensed pursuant to the act and that functions as an integral component of that community care facility to be deemed a facility that provides treatment or services under the license of the community care facility. The bill would subject a facility under that license to the inspection and enforcement provisions of the act.

Because this bill would extend the application of a crime under these provisions, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1505 of the Health and Safety Code is
- 2 amended to read:
- 3 1505. This chapter does not apply to any of the following:
- 4 (a) Any health facility, as defined by Section 1250.
- 5 (b) Any clinic, as defined by Section 1202.
- 6 (c) Any juvenile placement facility approved by the Department
- 7 of Corrections and Rehabilitation, Division of Juvenile Justice, or
- 8 any juvenile hall operated by a county.
- 9 (d) Any place in which a juvenile is judicially placed pursuant
- 10 to subdivision (a) of Section 727 of the Welfare and Institutions
- 11 Code.
- 12 (e) Any child day care facility, as defined in Section 1596.750.
- 13 (f) Any facility conducted by and for the adherents of any
- 14 well-recognized church or religious denomination for the purpose
- 15 of providing facilities for the care or treatment of the sick who
- 16 depend upon prayer or spiritual means for healing in the practice
- 17 of the religion of the church or denomination.
- 18 (g) Any school dormitory or similar facility determined by the
- 19 department.
- 20 (h) Any house, institution, hotel, homeless shelter, or other
- 21 similar place that supplies board and room only, or room only, or
- 22 board only, provided that no resident thereof requires any element
- 23 of care as determined by the director.
- 24 (i) Recovery houses or other similar facilities providing group
- 25 living arrangements for persons recovering from alcoholism or
- 26 drug addiction where the facility provides no care or supervision,
- 27 *except if the facility is subject to the provisions set forth in Section*
- 28 *1534.3.*
- 29 (j) Any alcoholism or drug abuse recovery or treatment facility
- 30 as defined by Section 11834.11.
- 31 (k) Any arrangement for the receiving and care of persons by
- 32 a relative or any arrangement for the receiving and care of persons
- 33 from only one family by a close friend of the parent, guardian, or

conservator, if the arrangement is not for financial profit and occurs only occasionally and irregularly, as defined by regulations of the department. For purposes of this chapter, arrangements for the receiving and care of persons by a relative shall include relatives of the child for the purpose of keeping sibling groups together.

(l) (1) Any home of a relative caregiver of children who are placed by a juvenile court, supervised by the county welfare or probation department, and the placement of whom is approved according to subdivision (d) of Section 309 of the Welfare and Institutions Code.

(2) Any home of a nonrelative extended family member, as described in Section 362.7 of the Welfare and Institutions Code, providing care to children who are placed by a juvenile court, supervised by the county welfare or probation department, and the placement of whom is approved according to subdivision (d) of Section 309 of the Welfare and Institutions Code.

(3) On and after January 1, 2012, any supervised independent living placement for nonminor dependents, as defined in subdivision (w) of Section 11400 of the Welfare and Institutions Code, who are placed by the juvenile court, supervised by the county welfare department, probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 of the Welfare and Institutions Code, and whose placement is approved pursuant to subdivision (k) of Section 11400 of the Welfare and Institutions Code.

(4) A Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, that serves only eligible former foster youth over 18 years of age who have exited from the foster care system on or after their 18th birthday, and that has obtained certification from the applicable county in accordance with subdivision (c) of Section 16522 of the Welfare and Institutions Code.

(m) Any supported living arrangement for individuals with developmental disabilities, as defined in Section 4689 of the Welfare and Institutions Code.

(n) (1) Any family home agency, family home, or family teaching home as defined in Section 4689.1 of the Welfare and Institutions Code, that is vendored by the State Department of Developmental Services and that does any of the following:

1 (A) As a family home approved by a family home agency,
2 provides 24-hour care for one or two adults with developmental
3 disabilities in the residence of the family home provider or
4 providers and the family home provider or providers' family, and
5 the provider is not licensed by the State Department of Social
6 Services or the State Department of Public Health or certified by
7 a licensee of the State Department of Social Services or the State
8 Department of Public Health.

9 (B) As a family teaching home approved by a family home
10 agency, provides 24-hour care for a maximum of three adults with
11 developmental disabilities in independent residences, whether
12 contiguous or attached, and the provider is not licensed by the
13 State Department of Social Services or the State Department of
14 Public Health or certified by a licensee of the State Department of
15 Social Services or the State Department of Public Health.

16 (C) As a family home agency, engages in recruiting, approving,
17 and providing support to family homes.

18 (2) No part of this subdivision shall be construed as establishing
19 by implication either a family home agency or family home
20 licensing category.

21 (o) Any facility in which only Indian children who are eligible
22 under the federal Indian Child Welfare Act (Chapter 21
23 (commencing with Section 1901) of Title 25 of the United States
24 Code) are placed and that is one of the following:

25 (1) An extended family member of the Indian child, as defined
26 in Section 1903 of Title 25 of the United States Code.

27 (2) A foster home that is licensed, approved, or specified by the
28 Indian child's tribe pursuant to Section 1915 of Title 25 of the
29 United States Code.

30 (p) (1) (A) Any housing occupied by elderly or disabled
31 persons, or both, that is initially approved and operated under a
32 regulatory agreement pursuant to Section 202 of Public Law 86-372
33 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625
34 (42 U.S.C. Sec. 8013), or whose mortgage is insured pursuant to
35 Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or that
36 receives mortgage assistance pursuant to Section 221d (3) of Public
37 Law 87-70 (12 U.S.C. Sec. 1715l), where supportive services are
38 made available to residents at their option, as long as the project
39 owner or operator does not contract for or provide the supportive
40 services.

(B) Any housing that qualifies for a low-income housing credit pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42) or that is subject to the requirements for rental dwellings for low-income families pursuant to Section 8 of Public Law 93-383 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled persons, or both, where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services.

(2) The project owner or operator to which paragraph (1) applies may coordinate, or help residents gain access to, the supportive services, either directly, or through a service coordinator.

(q) A resource family, as defined in Section 16519.5 of the Welfare and Institutions Code

(r) Any similar facility determined by the director.

SEC. 2. Section 1534.3 is added to the Health and Safety Code, to read:

1534.3. (a) A recovery house that is owned or operated by a community care facility licensed pursuant to this chapter and that functions as an integral component of that community care facility shall be deemed a facility that provides treatment or services under the license of the community care facility and shall be subject to the inspection and enforcement provisions set forth in this chapter.

(b) For purposes of this section:

(1) "Community care facility" is any facility licensed pursuant to this chapter that provides recovery or treatment services for alcohol or drug abuse recovery.

(2) "Integral component" means the nature of the services provided by the community care facility to a recovery house, or the proximity of the recovery house to the community care facility, makes the recovery house an integral component of that community care facility in providing recovery or treatment services, such as outpatient treatment, support meetings, or drug testing.

(3) "Owned or operated" means (A) a recovery house is owned or operated by, or affiliated with, the same person, firm, partnership, association, corporation, or local government entity that owns or operates the community care facility, or (B) the community care facility contracts with a recovery house to provide services to residents of the recovery house.

1 (4) “Recovery house” means an alcoholism or drug abuse
2 recovery or treatment facility that serves six or fewer persons that
3 is otherwise not required to be licensed pursuant to this chapter.

4 (c) Subdivision (a) shall not apply when the overall combined
5 number of persons served by a community care facility in a
6 recovery house or recovery houses is equal to six persons or less.

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.